



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 2

FUNCTIONS IN RELATION TO QUALIFICATIONS

Recognised bodies: monitoring and enforcement

152 Power to withdraw recognition

- (1) Subsection (2) applies if a recognised body has failed to comply with a condition to which the recognition is subject.
- (2) Ofqual may withdraw recognition from the recognised body in respect of the award or authentication of a specified qualification or a specified description of qualification if it appears to Ofqual that the failure mentioned in subsection (1) prejudices or would be likely to prejudice—
 - (a) the proper award or authentication by the body of the qualification or a qualification of the description in question, or
 - (b) persons who might reasonably be expected to seek to obtain the qualification or a qualification of the description in question awarded or authenticated by the body.
- (3) Before withdrawing recognition from a recognised body in any respect Ofqual must give notice to the body of its intention to do so.
- (4) The notice must—

Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 152 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) set out Ofqual's reasons for proposing to withdraw recognition from the recognised body in the respect in question, and
 - (b) specify the period during which, and the way in which, the recognised body may make representations about the proposal.
- (5) Ofqual must have regard to any representations made by the recognised body during the period specified in the notice in deciding whether to withdraw recognition from the body in the respect in question.
- (6) If Ofqual decides to withdraw recognition from a recognised body Ofqual—
- (a) must give notice to the body of its decision and of the date on which the withdrawal is to take effect, and
 - (b) may make saving or transitional provision.
- (7) At any time before a withdrawal takes effect Ofqual may vary the date on which it is to take effect by giving further notice to the recognised body.
- (8) Ofqual must establish arrangements for the review, at the request of a recognised body, of a decision to withdraw recognition under this section.
- (9) The arrangements established under subsection (8) must require the decision on review to be made by a person who is independent of Ofqual.
- (10) A person is independent of Ofqual for the purposes of subsection (9) if the person is—
- (a) an individual who is not a member of Ofqual or Ofqual's staff, or
 - (b) a body none of whose members is a member of Ofqual or Ofqual's staff.

Commencement Information

II S. 152 in force at 1.4.2010 by S.I. 2010/1151, art. 2, Sch. 1

Status:

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